

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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WILLIAM ALVAREZ,

Plaintiff,

-against-

C.O. CALEB BAUSE,
C.O. SKYLER TUTTLE,
C.O. ANTHONY FARINA,
C.O. MICHAEL BABICZ and
SGT. GLENN TROMBLY,

Defendants.

**Declaration of
William Alvarez**

Case No. 22-CV-0186

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William Alvarez declares, pursuant to 28 USC §1746, under penalty of perjury, as follows:

1. I am the Plaintiff in the above matter. I submit this Declaration in opposition to Defendants' motion for partial summary judgment.

2. On September 25, 2020, I was enrolled in the CASAT program at Marcy Correctional Facility. I was first confined to prison in mid-December of 2019, and began my enrollment in the CASAT program in the early part of 2020. Shortly after my enrollment I was assigned the job of Assistant Coordinator for the program. As Assistant Coordinator, I gave orientation to other inmates who were entering the program, and explained to them the nature of the program and the rules that inmates had to follow while in the program. As a result, I was, and am, very familiar with the nature of the program and the rules of the program.

3. CASAT is a substance abuse program that provides an inmate with an opportunity for early release from prison, but only if the inmate fulfills all of the requirements of the program and abides by a set of very strict rules and regulations. As of September 25, 2020, I had fulfilled

all of the requirements thus far in the program, and had been a near model prisoner. The only Misbehavior Report I received before September 25, 2020 was in February 2020 for smoking a cigarette in an unauthorized area. I was found guilty of that infraction, and received a penalty of loss of my tablet for thirty days. After that, I strictly followed all of the rules and never received another infraction until the incident of September 25, 2020. As of September 25, 2020, I only had about a couple of weeks remaining in the program, and would have been released from prison and on work release in October 2020 had I successfully completed the program.

4. I was very motivated to successfully complete CASAT because of my family situation. My wife suffers from congenital cancer of the eyes, and well before I was sentenced to prison in December 2019 my wife was already legally blind due to the disease. Then, sometime in early 2019 my infant daughter developed cancer of the eyes, and was actively undergoing treatment for that cancer. I was very involved in that treatment, bringing her to doctors' appointments and providing her with emotional support. Due to my wife's physical condition, and the fact that she has two other minor children, my wife was very limited in her ability to bring my daughter to and from medical appointments or to provide my daughter with emotional and other support.

5. After I was sentenced to prison, and while I was in CASAT, I spoke with my wife and daughter by telephone on a near daily basis. However, I obviously was not able to bring my daughter to her medical appointments, participate in her care and treatment, or provide the same level of emotional support that I provided before I was sent to prison. Because of this, I was doing my best to comply with all of the rules of CASAT and to successfully complete the program so that I would be granted early release and be reunited with my daughter.


6. All of the other inmates in CASAT, and the correction officers who were assigned to my CASAT dorm, knew about the situation with my daughter. We had regular group sessions in the day room of the dorm, and during those sessions I talked often about my daughter's condition and my desire to successfully complete the program and return to my daughter. These group sessions took place either in the presence of or in ear shot of the officers in the dorm. Correction Officer Caleb Bause also knew about the situation with my daughter, and my desire to be reunited with her, since he and I spoke about this on several occasions before September 25, 2020.

7. Then, on September 25, 2020, the incident with C.O. Bause occurred, and Officer Bause wrote the Misbehavior Report falsely accusing me of attacking him. Officer Bause had to know that if I was found guilty of what he wrote in the Misbehavior Report, I would be kicked out of CASAT and placed in the prison's Special Housing Unit (SHU), and that my release from prison would be delayed, thereby preventing me from reuniting with my daughter. And that is exactly what happened. Immediately after being issued the Report, I was placed in the SHU and was no longer allowed to have any phone calls with my wife or daughter. Officer Bause then testified at my Tier Hearing and repeated the same false statements about my attacking him. On October 6, after spending 11 days in the SHU, I was found guilty of the charges and was sentenced to 49 additional days in the SHU, and also was kicked out of CASAT and transferred from Marcy (a medium-security facility) to Great Meadow (a maximum-security facility). During my remaining time in the SHU, I still was not able to speak with my wife or my daughter, and after I went to Great Meadow, my ability to speak with my wife and daughter continued to be highly restricted.

8. Due to the actions of Officer Bause, instead of being released from prison in October, as scheduled, my incarceration was extended for 8 months, and I was not released from prison until June 25, 2021. And this is not speculation. In fact, the Deputy Superintendent of Marcy told me that I was being kicked out of CASAT and transferred out of Marcy, and that my release from prison was being delayed, due to the allegations made against me by Officer Bause.

9. In February 2021, four months after I was supposed to have been released, but instead was still in prison, my daughter had one of her eyes surgically removed. I was not able to be there for her during this procedure, or to provide her with emotional support during the preceding months or for the four months after that.

Dated: October 16, 2024



WILLIAM ALVAREZ